

JEROME NOT LOCKED UP YET

AN IF ABOUT SENDING HIM TO TOMBS FOR CONTEMPT.

Nothing Serious Happens When He Comes Before Judge Swann Again in Court Case. Won't Let Robin Plead, Insisting That He Is Mad. Jury Feels Hurt.

Judge Swann of the Court of General Sessions said to reporters yesterday that he would commit W. T. Jerome to prison for contempt if it were shown to his satisfaction that Mr. Jerome knew what he was doing when he refused to plead in the case of the Academy of Medicine and jury in the Robin case was going to be published. What Mr. Jerome has been quoted as saying to the doctors was:

"Your profession and mine have been insulted by this half baked Judge, who holds office by the grace of Charley Murphy. . . . Shall an incompetent judge and a ragging jury outweigh the judgment of honest medical men?"

This was a comment on the trial of Robin's sanity under the statute as amended in 1909. Formerly when a plea was made, it was presented in court and the jury was advised with counsel as to his defence. The law said that the judge might appoint a commission to report to the court upon the prisoner's sanity. As amended the law substitutes the jury for the commission.

"Give me evidence that Mr. Jerome knew that a reporter was in possession of notes of the speech he made on Wednesday night prior to the appearance of the account in a newspaper and I will give you Mr. Jerome's cell number," said Judge Swann. "I promise you that he will be committed and there will be no fine. Mr. Jerome will be ashamed to give an account of himself for thirty days."

Judge Swann said this in his private chambers after he had had a colloquy with the former District Attorney in Part I. of General Sessions, where Robin had been arraigned to plead to the eight indictments charging him with grand larceny from the Northern Bank and the Washington Savings Bank.

Mr. Jerome, contending that Robin was insane despite the verdict of the jury that he was sane, refused to permit Robin to plead and Judge Swann was compelled to order the clerk to enter a plea of not guilty to each of the indictments.

The court room was crowded half an hour before Robin was arraigned because it had been intimated that Judge Swann would take Mr. Jerome to task.

The storm clouds did not begin to gather until after Mr. Jerome had proceeded for some time in an effort to ascertain when the order declaring Robin sane had been entered.

When Robin was called to the bar Mr. Jerome said that he did not know that the order had been entered.

"It has been entered and the clerk will show it to you," replied Judge Swann. Mr. Jerome took the order and objected to the jury, saying that he was sane and that the order should show his exact relations to Robin in the case. He had formally withdrawn as Robin's counsel and for a time had acted as the friend of the court and after Robin had been arraigned said he had been assigned by the court to act as Robin's counsel.

"When did you think that your position as friend of the court ceased?" asked Judge Swann, with so much emphasis upon the word "friend" that everybody began to sit up and take notice.

"I considered that it ended on Tuesday evening about 6 o'clock when your Honor appointed me counsel for Robin," replied Mr. Jerome.

District Attorney Whitman suggested that the order might be amended so as to read that Mr. Jerome was acting as Robin's counsel as the request of the court, but Mr. Jerome didn't think that that was quite enough. He insisted that many witnesses had not been called at the insanity trial and that he had told the jury that he thought the testimony heard was insufficient. He intimated that he had been misled as to the court's state of mind and that Judge Swann had been misled by a number of experts had testified.

Judge Swann here interposed that the law required only two experts and that Mr. Jerome had been called and that he had been called, though she could have told of many youthful weaknesses.

"Will you tell me wherein the Court has been misled?" asked Judge Swann. "I will absolve you from any contempt for that," Mr. Jerome.

Mr. Jerome hesitated, and Judge Swann asked if the jury that had found Robin sane were in court. There was a chorus of "We are here," and the twelve men stood up. Judge Swann said that he would then pass upon the question whether the Court had been unfair in any way to counsel for Robin.

Mr. Jerome remarked that the jury was not in possession of all of the facts and proceeded to give in detail the history of the Robin case. He said that thirteen of the most eminent alienists in the country had at one time or another examined Robin.

When the truth is known about the condition of this unfortunate man I am sure that there is no one who would wish to see him stand trial," said Mr. Jerome.

"It was a man who had stolen \$20 he would have been in Matteawan long ago," said Judge Swann.

"Honorable Your Honor agrees that he should be in Matteawan?" queried Mr. Jerome.

"Oh did you say Matteawan?" I thought you said State's prison," corrected Judge Swann.

Mr. Jerome said that after the alienists had testified he did not think it necessary to call more witnesses because he had been led to believe that the jury was sane and that Robin was insane and that he thought the jury might find him sane and that would not affect the opinion of the Court.

Judge Swann asked Jerome what his contention was. Mr. Jerome said that he contended that while acting in the capacity of a friend of the court he had been misled.

The Court told me that it had heard enough evidence, and I naturally concluded that the Court was satisfied that Robin was not in a condition to consult with counsel.

Judge Swann then asked a newspaper reporter and asked Robin's counsel if he had any more to say. Mr. Jerome said that he had not seen the report and didn't know what it contained. Judge Swann asked a part of the report aloud.

"Did you say that the proceeding was not a matter of justice?" demanded Judge Swann.

Mr. Jerome folded his arms. "I didn't say exactly those words, but I did say that it was a matter of justice," he replied.

Did you know at the time that there were reporters present and that your statements might appear in the public press?"

"Subsequently I knew that there was a reporter at the meeting," responded Mr. Jerome. "But," he continued, "that would have made no difference. I have never said anything that I would not say in public."

Judge Swann said that he was not making a repetition of the remarks, which had deeply grieved him. Mr. Jerome said that he had no intention of repeating them, though he would stand by what he had said.

Judge Swann said he wished to give Mr. Jerome every opportunity of proving the truth of the criticism he had made

THE PROCESS

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upon the proceeding of the Court. Mr. Jerome had nothing to add to what he had said, and Judge Swann said that he would consider the matter closed.

After a brief pause Judge Swann asked if Mr. Jerome still considered that he was a friend of the Court.

"I am counsel to Robin at the request of the Court," replied Jerome.

Judge Swann then ordered the suggested amendment made to the order declaring Robin sane and asked that Robin plead. Mr. Jerome flatly refused to allow his client to plead. He said that Robin was not competent mentally and renewed his motion that further testimony be heard. He said that he could produce thirteen specialists and half a dozen lay witnesses.

Judge Swann overruled the motion and asked how the defendant pleaded. There was no answer. District Attorney Whitman suggested that a plea of not guilty be entered and then made the further suggestion that Robin might wish to plead personally, since his counsel had declined.

"A good idea," said Judge Swann and questioned Robin. "Oh I guess I'll leave it to my counsel," said Robin.

There was a stir around the court room and audible remarks that Robin seemed pretty sane.

Mr. Jerome said that the proceeding was irregular as the indictments had not been read to the defendant. The District Attorney directed that they be read, and while Mr. Cowing, the clerk, was reading Robin began to pound on the bar.

"I want to say something," said Robin. "I want to say that Mr. Jerome is good enough for me. He has the spunk and the grit to stand up against the District Attorney who is plotting against me, and he has the grit to prosecute persons who are plotting against me. I will not prosecute. I'll let Mr. Jerome do the talking for me."

Judge Swann again ordered the plea of not guilty to each of the eight indictments against Robin.

Mr. Jerome said that since the pleas had been entered he would like to know when the case would be brought to trial.

Mr. Whitman said that he was anxious to get it as soon as possible and Judge Swann ordered that it be put on the calendar the first thing this morning. It will probably be moved to trial within the next few weeks.

Just as Robin was being taken back to the Tombs, John F. Sussillo, who was one of the jury, stepped to the rail and asked the permission of the Court to read a calendar the first thing this morning. It will probably be moved to trial within the next few weeks.

If your Honor please, in behalf of the members of the jury in the Robin case I desire to enter a protest against the attacks made upon this court and the members of the jury by a disreputable lawyer, an officer of this court. We do not feel that it is right for a counsel simply because he is an ex-District Attorney of this county to make such remarks concerning the justice of this court and the jury as he is credited with having said.

In behalf of the jury I respectfully call your attention to a story printed in the newspapers this morning reflecting not only upon your Honor but upon the jury that you engaged him to try this case.

As a member of the panel of the jurors in your court this term I want to assure you of our heartfelt thanks for the courteous way in which you have treated us, and to compliment the great zeal of the jury that you as our representative upon the bench displayed justice.

Judge Swann told Mr. Sussillo that he was very much obliged to the jury for its expression.

Mr. Jerome then ordered a plea of not guilty entered for Frank L. Grant, president of Robin's Northern Bank, who was indicted for failing to make to the directors of the bank a report of a loan and ordered by fixed at \$100,000. Howard S. Gans, former Assistant District Attorney, counsel for Grant, wanted more time to plead, but the Court said he had time enough and Judge Swann said he would let the jury decide.

Mr. Jerome did not left the room. Judge Swann said that he wanted it understood that because a man had been indicted for a crime he was not to be treated as a criminal.

At one point District Attorney Whitman was no reason for his asking undue favors of the Court. Judge Swann directed that he be brought to the bar and asked him how he pleaded. Grant made no answer. Mr. Gans said something about constitutional rights, and Judge Swann said that he would give Grant two minutes by the clock to read.

When the two minutes were up and neither Grant nor his lawyer had spoken Judge Swann ordered the plea of not guilty entered.

In the corridor outside of the court

The Weather.

Feb. 3. The big storm which covered all the interior of the country on Wednesday was centered yesterday over the lake regions, showing increased force and was attended by snow in Michigan and in the New England States north of Connecticut and by rain and sleet in the middle Atlantic States. The storm had diminished in area, but the winds were increasing and were blowing a gale off the coast of New England and east with a dense fog. Fog enveloped the middle Atlantic coast, where the sleet in the morning turned into rain with southeasterly winds, generally light to moderate.

The temperature was higher in the Atlantic States and in the districts around the Great Lakes, but it was much colder in all the Middle States north of Missouri, with temperatures below zero from 2 to 16 degrees in Minnesota, the Dakotas and Montana. Freezing temperatures again reached northern Texas and Arkansas, and followed the storm area into the middle Atlantic and New England States.

In this city yesterday the day opened with sleet turning into rain, which continued with fog throughout the afternoon and evening, with winds fresh southeasterly, average humidity, 91 per cent, barometer, corrected to read to sea level at 30.0, 29.9, 29.8, 29.7, 29.6, 29.5, 29.4, 29.3, 29.2, 29.1, 29.0, 28.9, 28.8, 28.7, 28.6, 28.5, 28.4, 28.3, 28.2, 28.1, 28.0, 27.9, 27.8, 27.7, 27.6, 27.5, 27.4, 27.3, 27.2, 27.1, 27.0, 26.9, 26.8, 26.7, 26.6, 26.5, 26.4, 26.3, 26.2, 26.1, 26.0, 25.9, 25.8, 25.7, 25.6, 25.5, 25.4, 25.3, 25.2, 25.1, 25.0, 24.9, 24.8, 24.7, 24.6, 24.5, 24.4, 24.3, 24.2, 24.1, 24.0, 23.9, 23.8, 23.7, 23.6, 23.5, 23.4, 23.3, 23.2, 23.1, 23.0, 22.9, 22.8, 22.7, 22.6, 22.5, 22.4, 22.3, 22.2, 22.1, 22.0, 21.9, 21.8, 21.7, 21.6, 21.5, 21.4, 21.3, 21.2, 21.1, 21.0, 20.9, 20.8, 20.7, 20.6, 20.5, 20.4, 20.3, 20.2, 20.1, 20.0, 19.9, 19.8, 19.7, 19.6, 19.5, 19.4, 19.3, 19.2, 19.1, 19.0, 18.9, 18.8, 18.7, 18.6, 18.5, 18.4, 18.3, 18.2, 18.1, 18.0, 17.9, 17.8, 17.7, 17.6, 17.5, 17.4, 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